

REMARKS:

The courtesies extended to the undersigned by Examiner Snelling and by SPE Rodriguez during the personal interview held October 20, 2010, in the subject U.S. patent application are acknowledged and appreciated. As discussed during the interview, it is believed that the claims now pending in the subject U.S. patent application are patentable over the materials cited and relied on in the Office Action of August 16, 2010. Reexamination and reconsideration of the application and allowance of the claims is respectfully requested.

In the Office Action of August 16, 2010, the Examiner raised various questions in response to the Supplemental Information Disclosure Statement which was filed on July 6, 2010, together with the Third Amendment and the Request for Continued Examination. These questions are set forth at the bottom of page 10 of the Detailed Action of August 16, 2010, and continuing at the top of page 11 thereof.

In response to the Examiner's request for information, there is submitted concurrently herewith the Declaration of Jürgen Stiel, house patent counsel for Koenig & Bauer Aktiengesellschaft, the assignee of all right, title and interest in the subject application. In the Declaration, which was discussed during the interview, it is stated that Herr Stiel has been employed by Koenig & Bauer for 23 years; that he is familiar with the subject U.S. patent application and its European counterpart; that he received certain materials from Mr. Rutger Jansen of CONTIWEB B.V., a company located in the Netherlands; that he forwarded those materials to the undersigned, who filed them in the subject application, and that he reviewed the statements made by the undersigned

in the Supplemental Information Disclosure Statement. Additionally, Herr Stiel declared that he does not know what materials were included in the shipment referenced by the bill of lading which was sent to him by Mr. Jansen and that, to the best of his knowledge and belief, the shipment so referenced is not the invention disclosed and claimed in the subject U.S. patent application. Herr Stiel further declared that he has no knowledge of any sales agreed between CONTIWEB, MAN Roland, and R. H. Donnelly, and that he also has no knowledge of any affiliation between Mr. Jansen of CONTIWEB, the firm MAN Roland, the company R. H. Donnelly, and Koenig & Bauer.

During the discussion of this Declaration, SPE Rodriguez questioned the statement made by Herr Stiel that to the best of his knowledge and belief that the shipment referenced by the bill of lading is not the invention disclosed and claimed in the subject U.S. patent application. SPE Rodriguez questioned why Herr Stiel did not positively state that the shipment referred to in the bill of lading was not the subject invention.

The undersigned noted that the purpose of the Declaration is to set forth facts of which Herr Stiel is aware. It was recited, in the Declaration, that Herr Stiel does not know what materials were included in the shipment referenced in the bill of lading. How could he then positively state, as a fact, that these materials could not be the subject invention? As will be discussed below, the undated drawing and photo, which accompanied the bill of lading sent by Mr. Jansen to Herr Stiel, are not the subject invention. However, Herr Stiel does not know what materials were covered by the bill of lading. It is believed that Herr Stiel's statement that to the best of his knowledge and

belief that the materials referred to in the bill of lading are not the subject invention, is accurate and correct. The position taken by SPE Rodriguez, to the effect that the Declaration would be more persuasive if it recited, as a fact, that the shipment is not the invention, would require Herr Stiel to form a conclusion without his having any knowledge of what was actually shipped. Since Koenig & Bauer is not affiliated with CONTIWEB, MAN Roland, or R. R. Donnelly, Herr Stiel does not know, based on the materials sent to him by Mr. Jansen, what was actually in the shipment.

SPE Rodriguez questioned whether or not someone else at Koenig & Bauer might have better knowledge since Herr Stiel was the house patent counsel. It was explained to SPE Rodriguez by the undersigned that Herr Stiel is an engineer and that during the course of his employment by Koenig & Bauer for at least 23 years, he was previously employed as an engineer and that he is the inventor or co-inventor of various patents assigned to Koenig & Bauer. It was noted by the undersigned, that Herr Stiel would have as great a knowledge as anyone else in the employ of Koenig & Bauer as to the subject invention and whether or not, in his opinion, it is not the same as, or similar to, the device depicted in the undated drawing and photograph submitted to him by Mr. Jansen of CONTIWEB.

During the course of the interview, it was noted that Mr. Jansen at CONTIWEB had sent additional materials to Herr Stiel on July 30, 2010. Those additional materials are being filed in a Second Supplemental Information Disclosure Statement which is being filed concurrently herewith. As discussed during the interview, those materials are further evidence that CONTIWEB sold a reichanger to MAN Roland for MAN

Roland's customer, R. R. Donnelly. No drawings or pictures of the reelchanger or of any reel storage areas with which such a reelchanger might be used were enclosed. Examiner Snelling expressed interest in page 10 of those materials, which is in German and which, according to Herr Stiel, indicate a reel delivery with three waiting positions. It is again to be emphasized that these materials are evidence of a sale by CONTIWEB to MAN Roland of a reelchanger.

It was noted, during the interview, that the bill of lading, which is dated February 4, 2004, and the materials which are being filed with the Second Supplemental Information Disclosure Statement, have no drawings or pictures with them. It was further noted that the bill of lading, which was dated February 4, 2004, was for materials to be transported to the German port of Bremen. It was again further noted that whatever those materials were, they had a weight of over 18,000 kg and they would have been shipped from Bremen, which is a port city, by boat. The effective date of filing of the U.S. application is February 9, 2005, the filing date of the PCT application, and which designated the U.S. Whatever materials were shipped to Bremen from CONTIWEB's facility in the Netherlands on February 4, 2004, could not possibly have been transported to the United States and assembled in five days to meet the "on sale" bar of 35 U.S.C. 102(b). Since the drawings and the photograph which accompanied the June 18, 2010, letter from Mr. Jansen to Herr Stiel were not dated and were not discussed by Mr. Jansen, it is impossible, based on the facts known to Herr Stiel and to the undersigned, to determine whether or not those materials are, in fact, prior art to the subject invention.

In the Office Action of August 16, 2010, claims 89, 91-93, 100, 101, 110, 121, 123, 126, 131, 132, 134, 135, 145-150 and 154-156 were rejected under 35 U.S.C. 103(a) as being unpatentable over the CONTIWEB materials submitted by the undersigned in the Supplemental Information Disclosure Statement of July 6, 2010, and referred to as CONTIWEB, in view of U.S. patent No. 6,138,938 to Lehrieder. It was asserted that CONTIWEB teaches the device as recited in independent claim 89, as pending in the application after the Third Amendment filed July 6, 2010, with the exception of the use of primary transport carriages and primary transport carriage drive means. It was asserted in the Office Action of August 16 2010, that the Lehrieder reference shows the features of then pending claim 89 that are not shown in the CONTIWEB materials. The undersigned respectfully disagrees.

It is initially to be noted that the drawing which was submitted with the Supplemental Information Disclosure Statement filed July 6, 2010, and which accompanied the letter dated June 18, 2010, and sent by Mr. Jansen of CONTIWEB to Koenig & Bauer, is not dated. The photograph that also was submitted to the Patent Office and that also accompanied the letter from Mr. Jansen is also not dated. The Examiner, in his rejections of the claims in the Office Action of August 16, 2010, has treated those materials as if they are, in fact, prior art to the subject invention. Since neither the drawing nor the photograph is dated, it is not possible to determine whether or not they are, in fact, prior art. As discussed with the Examiner during the interview, the photograph bears handwritten notations in the margin of "RRD-DWIGHT" and "RRD-USA". It is thus assumed that the photograph is of an installation at the Donnelly

facility in Dwight, Illinois. Where it was taken or when the equipment was installed is a matter of speculation. There is no evidence to support the supposition made by the Examiner that the photograph shows the assembly depicted in the undated drawing or that either the photograph or the drawing is prior art to the subject invention.

Even if the drawing and photograph are assumed to be prior art, which assumption is not agreed to by the undersigned or by Applicant's representatives in Germany, claim 89, as previously pending and even more clearly as amended, is believed to be patentable over the CONTIWEB materials in view of the Lehrieder reference cited and relied on by the Examiner. The characteristics attributed to the drawing and to the photograph by the Examiner are not based on the teachings of the two pieces of material, but instead are based on the Examiner's desire to make the material fit the language of claim 89. As was discussed during the interview, that interpretation is not believed to be accurate.

In the Examiner's rejection of claim 89, as presented on July 6, 2010, over the CONTIWEB materials, the Examiner has made several assumptions that are not supported by the materials relied on. In claim 89, as submitted July 6, 2010, it was recited that the intermediate reel storage area 11, which is adapted to receive and to store reels of material 01 removed from the reel preparation station 03, has a plurality of reel storage areas 13. At least two of these reel storage areas 13 are aligned directly one in front of the other in the longitudinal direction of the web processing machine. Each of these at least two aligned reel storage areas 13 were recited in then pending claim 89, as being a storage space to each store at least one of the reels of material 01

received from the reel preparation station 03. The Examiner has asserted, in the Office Action of August 16, 2010, and relying on the CONTIWEB drawing, that the depicted device has two intermediate storage areas aligned directly in front of each other and each being able to store a reel of material received from the reel preparation area. That assumption is not based on any disclosure in the CONTIWEB drawing or photograph and is believed to be incorrect.

As discussed during the interview, prepared reel storage areas are typically delineated by fences and/or other access-restricting devices. This is to prevent plant personnel from accessing a dangerous area where large, heavy, fresh reels of paper are stored before they are fed to a reelchanger. Such prepared reel storage areas are almost universally surrounded by a fence and/or are provided with intrusion detection devices. In the CONTIWEB drawing and in the Donnelly photograph, it is very clear that there is only one prepared reel storage space on either side of the transport route. Contrary to the Examiner's assertion, the second location at the top of the drawing, and identified by the Examiner as an intended reel change area, is not one that would receive and store a prepared reel of material received from the reel preparation area.

In the CONTIWEB drawing, as seen in the side elevation view, there are depicted two vertical posts located to the left of the reel of material supported by the transport cart. Extending between these two posts are upper, dashed lines that cross each other, and lower parallel lines. It is believed that these lines represent beams which, if broken, will activate an intrusion alarm. There is only one set of posts and only one set of beams. If there were two prepared reel storage areas, for receipt of prepared

reels from the reel preparation area, there would be another post and another set of beams. There are none because the CONTIWEB drawing and photograph do not teach or suggest the provision of at least two aligned prepared reel storage spaces in the intermediate reel storage area, with each of these storage spaces being able to store a reel of material received from the reel preparation area.

In the top plan view of the CONTIWEB drawing, and in the Donnelly photograph, there are depicted frames surrounding the single reel storage spaces located in the intermediate storage area. Those frames, which are shown in yellow in the photograph, are also clearly defining single reel storage locations in the intermediate reel storage area. If one of the reel storage areas were configured to have the capacity of storing two reels of material received from the reel preparation station, the fenced-in area would be larger. It clearly is not.

The CONTIWEB drawing also shows only one reel storage space for prepared reels from the reel preparation area on either side of the transport route. As seen in the top plan view, there is a depiction of a fence bordering the area on either side of the transport route and adjacent to the reelchanger. As discussed with the Examiners during the interview, the corners of this line of fence are depicted with somewhat triangular-shaped objects. Again, those are believed to be the sensors which will indicate the entrance of an intruder into the reel storage areas.

Examiner Snelling asserted that the area in the upper left quadrant of the top plan view of the CONTIWEB drawing could also be considered as a reel storage space to receive a reel of material received from the reel preparation area. It was discussed,

during the interview, that such an assumption was contrary to the clear teachings, in the drawing and in the photograph, of the provision of security fences and intruder detection monitors around the reel storage areas that are used to store full reels of material which have been received from the reel preparation station. The assertion by Examiner Snelting of such a usage is not supported by any teachings or suggestions contained in the materials. While such an area may function as a storage location for partially used reels of material, once they have been removed from the reel changer and before they are returned back to a remote storage area, it is clear that such an area is not to be used as a storage area for a prepared reel of material sent to it from the reel preparation station. It is thus believed that claim 89, as submitted in the Third Amendment filed July 6, 2010, is not rendered obvious by the materials cited and relied on.

In an effort to advance the prosecution of the subject application, a proposed amended claim 89 was discussed with the Examiners during the interview. This proposal adds the language of dependent claim 92, which has now been cancelled, to claim 89. As presented during the interview, amended claim 89 recited that the plurality of prepared reel storage spaces include a first group of a plurality of prepared reel storage spaces located on a first side of the straight transport route and a second group of a plurality of prepared reel storage spaces on the second, opposite side of the straight transport route. This structure is clearly not shown or suggested in the CONTIWEB drawing and/or in the Donnelly photograph. This language makes it clear that the two groups, each of a plurality of prepared reel storage spaces, are located

along both sides of the transport route along which the secondary transport carriage travels toward and away from the reelchanger.

Examiner Snelting referred to the Lehrieder reference, U.S. patent No. 6,138,938, and specifically to the depiction of an intermediate reel change area 38 in Fig. 1 of that patent. He asserted that one of skill in the art could somehow manipulate that intermediate reel change area to configure it to meet the limitations of proposed amended claim 89.

In response, it is to be noted that the prior Lehrieder device, which the subject invention is an improvement over and which shares the same inventorship, shows groups of either three-by-three or three-by-four arrays of intermediate storage spaces. In each of these arrays, there are three storage spaces across, in the axial direction of the reelchanger. As is clearly depicted in Fig. 1 of the Lehrieder reference, these three-wide groups of stored reels of material are not situated on either side of a transport path extending from the intermediate reel change area to the reelchanger and aligned with a longitudinal direction of web travel through the web-processing machine.

As may be seen in Fig. 3 of the Lehrieder reference, there are depicted two tracks 46 and 47 on one side of the reelchanger and two tracks 51 and 52 on the opposite side of the reelchanger. As discussed at column 4, lines 19-21, the first track 46 is used to receive a prepared roll 24. The adjacent track 47 is usable, as recited at column 4, lines 34-37, for transporting a transport car 16 with a roll remainder 44, of reduced diameter d44 from the reelchanger back to a third transport cart 41. The two tracks 51 and 52 are recited, at column 4, lines 29-33, as being blind tracks that can

temporarily store a prepared roll 24 or a roll reminder 44. It is very clear that the diameters of a prepared roll 24 and a remainder roll 44 are very different, as depicted in Fig. 2, for example. The depiction of the Lehrieder device shown in Fig. 3 of the reference would not provide the teaching of groups of plural prepared reel storage spaces located on both sides of the straight transport track and with at least two longitudinally aligned ones of their first and second groups of prepared reel storage spaces each having a storage space width to each store one of the prepared reels of material received from the reel preparation station.

To emphasize the fact that the at least two longitudinally aligned ones of the plurality of storage spaces in each of the first and second groups of storage spaces are to receive prepared reels of material from the reel preparation station, additional language was proposed, during the interview, to be added to claim 89. That language, which has been incorporated into currently amended claim 89, recites that each of the storage spaces in the first and second groups of reel storage spaces each store at least one prepared reel of material transported directly to each such reel storage space from the reel preparation station, and to be transported directly from each such reel storage space to the reelchanger by one of the primary carts loaded onto the secondary cart. Clearly, in the Lehrieder reference, the tracks 47 and 52 are usable only to store partial rolls of material that have been taken off the reelchanger. This is yet another reason why claim 89, as currently amended, is patentable over the combination of the CONTIWEB drawing, the Donnelly photograph, and the prior Lehrieder reference, even assuming that the CONTIWEB drawing and the Donnelly photograph could be held to

be prior art. As noted at various locations above, the Applicant's house patent counsel and the undersigned do not agree that these materials are, in fact, prior art.

All of the rest of the claims that are pending in the subject application depend from believed allowable, currently amended independent claim 89. These claims are also believed to be allowable. A number of claims are currently withdrawn from consideration. It is believed that those claims should be joined with the rest of the believed allowable dependent claims.

SUMMARY:

Independent claim 89 has been further amended in an effort to more clearly patentably define the subject invention over the material relied on by the Examiner, which material is not acknowledged as prior art by the undersigned. It is believed that currently amended independent claim 89, and all of the claims that depend from it, are allowable. Such action, and passage of the application to issue, is respectfully requested.

Respectfully Submitted,

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